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November 16, 2016

Hon. Vernon S. Broderick  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Courtroom 518  
New York, NY 10007

**Re: *Paulino de La Cruz, et. al. v. Trejo Liquors, Inc., et. al.***  
**CA No. 16-cv-4382 (VSB)**

Your Honor,

We represent Defendants Trejo Liquors, Inc. and Johanny Trejo (collectively referred to as “Defendants”) in the above referenced action. As your Honor is aware, Defendants have moved to dismiss the First Amended Complaint (“FAC”). The motion is fully briefed and pending. We respectfully write to notify the Court that the parties have stipulated and agreed that individual defendant Johanny Trejo was not Plaintiffs’ employer under the FLSA and NYLL prior to her husband’s death on or about May/June 2015. As a result, Defendants have agreed to withdraw their arguments in the pending motion to dismiss with respect to the employer status of defendant Johanny Trejo.

Very truly yours,

/s/ Argilio Rodriguez  
Argilio Rodriguez, Esq.

*Counsel for Defendants*